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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,725	01/31/2001	Delane Robert Hewett	MCS-059A-00	7001

27662 7590 03/07/2005	EXAMINER
LYON & HARR, LLP 300 ESPLANADE DRIVE, SUITE 800 OXNARD, CA 93036	PHAM, THOMAS K

ART UNIT	PAPER NUMBER
2121	

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 February 2005*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9 and 12-20* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9 and 12-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
  Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Response to Amendment

1.   This action is in response to request for re-consideration filed on 02/18/2005.

2.   Applicant's request for reconsideration of the finality of the rejection of the last Office

action is persuasive and, therefore, the finality of that action is withdrawn.

3.   Applicant's arguments have been fully considered but they are not persuasive.

Quotations of U.S. Code Title 35

4.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim Rejections - 35 USC § 102

8.   Claims 1-9, 12-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent

No. 6,014,638 ("Burge").

Regarding claim 1

Burge teaches a system for automatically generating at least one web page comprising:

- running at least one web page generation script on a remote server computer (fig. 1
  element 84 and col. 4 lines 38-47, "Host computers, with which subscribers ... to the
  shopper's computer");

- wherein each web page generation script includes at least one encapsulated web-based
  function for defining at least one characteristic of each automatically generated web page
  (col. 7 lines 46-49, "The user's profile data 36 ... data from a variety of sources"), and
  wherein each web-based function further includes at least one variable function
  parameter (fig. 2B shows parameters 32, 36, 38 and 42);

- wherein each web page generation script includes a plurality of unique entry points
  addressable by each local client computer (col. 6 lines 37-43, "Initially, the user may be
  given ... relating to the selected topic", *Examiner interprets the fact that the
  Browse/Purchase process 14 presenting a plurality of displays (or web pages) to the user
  10 inherently includes plurality of unique entry points since each display is a different
  URL and each URL is an entry point as defined in the current application on page 6 lines
  24-26.);*

- automatically generating the at least one unique web page by setting at least one of the
  variable function parameters of at least one of the web page generation scripts depending

upon which entry point is addressed by a communication from at least one local client

computer to the remote server (col. 9 line 54 to col. 10 line 13, "Following determination

by the predictive model ... the actual display characteristics" and col. 7 lines 32-37, "The

navigation inputs are unique ... and take the same paths"); and

- automatically transmitting each automatically generated web page from the remote server

   to the local client (col. 10 lines 14-16, "Following presentation ... on subsequent

   displays").

Regarding claim 2

Burge teaches setting at least one the variable function parameters serves to define the

appearance of at least one of page color, page style, page layout, page border, page background,

font size, font type, font style, font color, font characteristics, included images, and scripts, for

each automatically generated web page (col. 6 lines 2-8, "A predictive model is applied ...

reflect the shopper's preferences").

Regarding claim 3

Burge teaches at least one image is automatically included in each automatically generated web

page (col. 9 lines 3-8, "The model chooses actual display ... for presenting an item"), and

wherein each image is stored in at least one computer readable storage medium addressable by at

least one of the web page generation scripts (col. 8 lines 49-40, "General display variables 42 ...

a Variable Display Characteristics Database 44").

Regarding claim 4

Burge teaches alternate images are automatically chosen by providing alternate file paths for at

least one function parameter (col. 6 lines 18-22, "an icon or button ... the same pair of hiking

boots", *Examiner interprets that the alternate choice of pictures inherently has alternate file paths for different pictures.*).

Regarding claim 5

Burge teaches at least one text file is automatically included in each automatically generated web page (col. 6 lines 17-18, "Some items may have associated text"), and wherein each text file is stored in at least one computer readable storage medium addressable by at least one of the web page generation scripts (col. 5 lines 18-25, "Information regarding the merchant ... host computer 84 has access").

Regarding claim 6

Burge teaches alternate text files are automatically chosen by providing alternate file paths for at least one function parameter (similar to claim 4 above each alternate pictures with associated text inherently has alternate file paths).

Regarding claim 7

Burge teaches at least one web page generation script further comprises at least one predefined script that is automatically included in at least one automatically generated web page (fig. 2B, element 30 and col. 7 lines 46-49, "The user's profile data 36 ... from a variety of sources").

Regarding claim 8

Burge teaches the at least one predefined script is automatically retrieved by at least one web page generation script from at least one computer readable storage medium (col. 7 lines 43-46, "Information regarding these selection ... to be presented to the user").

Regarding claim 9

Burge teaches the communication from at least one local client computer to the remote server

includes transmitting values from at least one intermediate web page to at least one of the web

page generation scripts (col. 5 lines 1-15, "communication between the shopper's ... about the

shopper's selections").

Regarding claim 12

Burge teaches at least one web page automatically generated in accordance with the following

acts:

- providing a remote server computer in communication with the Internet (col. 4 lines53-

    56, "the shopper's computer 80 ... via the Internet"), the remote server hosting a dynamic

    web page generation script having two or more pre-defined entry points addressable by at

    least one local client computer (col. 6 lines 37-43, "Initially, the user may be given ...

    relating to the selected topic", *Examiner interprets the fact that the Browse/Purchase*

    process 14 presenting a plurality of displays (or web pages) to the user 10 inherently

    includes plurality of unique entry points since each display is a different URL and each

    URL is an entry point as defined in the current application on page 6 lines 24-26.);

- receiving an input at the remote server from one of the local client computers via the

    Internet (fig. 2A, input 12);

- automatically passing the input to one of the web page generation script entry points

    (fig. 2B);

- automatically generating at least one web page in response to the input passed to one of

    the web page generation script entry points (col. 10 lines 14-16, "Following presentation

    ... on subsequent displays"); and

- wherein the at least one web page automatically generated in response to the input passed to one of the web page generation script entry points is unique from web pages automatically generated in response an input passed to any other of the web page generation script entry points (col. 9 line 54 to col. 10 line 13, "Following determination by the predictive model ... the actual display characteristics" and col. 7 lines 32-37, "The navigation inputs are unique ... and take the same paths").

Regarding claim 13

Burge teaches the input received from one of the local client computers is provided via a pre-defined intermediate page called by the local client computer (fig. 2B, element 30 and col. 7 lines 46-49, "The user's profile data 36 ... from a variety of sources").

Regarding claim 14

Burge teaches a system for customizing web pages but does not teach the script is represented by at least one of HTML, ASP, CGI, and PERL scripts. "Official Notice" is taken for both the concept and advantages of providing a script for designing web pages by at least one of HTML, ASP, CGI or PERL scripts is well known and expected in the art. U.S. Patent 6,209,007 by Kelley teaches customizing web pages using HTML (see col. 4 lines 28-33, "Client computer 10 has ... from a network service provider").

Regarding claim 15

Burge teaches the script is reusable by a plurality of unique local client computers for automatically generating a plurality of uniquely customized web pages (col. 10 lines 18-22, "The separation of the process ... with virtually any on-line content").

Regarding claim 16

Burge teaches a system for customizing web pages but does not teach the script further comprises the capability to automatically determine whether a local client computer is authorized to access the web page generation script. "Official Notice" is taken for both the concept and advantages of providing authorization during creation of the web page is well known and expected in the art. U.S. Patent No. 6,247,032 by Bernardo et al teaches a software tool to create custom web pages with an automatic approval mechanism for authorization and security purposes (see abstract).

Regarding claim 17

Burge teaches each web page is automatically transmitted via the Internet from the remote host computer to at least one of the local client computers (col. 10 lines 14-16, "Following presentation ... on subsequent displays").

Regarding claim 18

Burge teaches a computer-readable medium having computer executable instructions for dynamically generating at least one web page, said computer executable instructions comprising:

- a dynamic web page generation script capable of accepting parameters passed from an intermediate page used to call the dynamic web page generation script (col. 4 lines 38-47, "Host computers, with which subscribers ... to the shopper's computer");

- wherein the dynamic web page generation script further comprises at least one encapsulated web-based function (col. 7 lines 46-49, "The user's profile data 36 ... data from a variety of sources") which is automatically configured in response to the parameters passed from the intermediate page (fig. 2B shows parameters 32, 36, 38 and 42);

- dynamically generating at least one customized web page in response to the automatic configuration of each encapsulated web-based function (col. 9 line 54 to col. 10 line 13, "Following determination by the predictive model ... the actual display characteristics"); and

- transmitting each customized web page from a remote host computer to at least one local client computer via a network (col. 10 lines 14-16, "Following presentation ... on subsequent displays").

Regarding claims 19 and 20

Burge teaches a system for creating dynamic web pages but does not teach the dynamic web page generation script automatically includes at least one applet in each customized web page. "Official Notice" is taken for both the concept and advantages of providing at least one applet in each customized web page is well known and expected in the art. U.S. Patent 6,209,007 by Kelley teaches building a web page in java and sending the java code to a client [where an applet is inherently created by java code] (see col. 8 lines 9-15).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday - Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.** Responses may also be faxed to the **official fax number (703) 872- 9306.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Pham
Patent Examiner

TP

March 4, 2005

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Group 3600